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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
AT PORTLAND

CONSUMER CELLULAR,
INCORPORATED, an Oregon corporation,

Plaintiff,

v.

CONSUMERAFFAIRS.COM, INC., a Nevada
corporation; CONSUMERS UNIFIED, LLC, a
Nevada limited liability company; and DAVID
ZACHARY CARMAN,

Defendants.

Case No. _____

**NOTICE OF REMOVAL OF CIVIL
ACTION**

DEMAND FOR JURY TRIAL

Multnomah County Circuit Court Case
No. 15CV22066

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1332, 1467, 1441 and 1446, defendants remove this action from the Circuit Court of the State of Oregon, for the County of Multnomah, to the United States District Court for the District of Oregon in Portland, Oregon. The grounds for removal are as follows:

1. The state court action, hereby removed, is a civil action over which this Court has jurisdiction under 28 U.S.C. § 1332(a), as the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

2. This court also has jurisdiction under §§ 1331 and 1367, because plaintiff's third claim for relief ("Federal RICO Against All Defendants") invokes 18 U.S.C. § 1964, and the other claims for relief are part of the same case or controversy. *See* Exhibit 1 (incorporating the same factual allegations into each claim for relief).

3. On or about August 19, 2015, this civil action was filed in the Circuit Court of the State of Oregon, for the County of Multnomah, entitled *Consumer Cellular, Incorporated v. ConsumerAffairs.com, et al.*, Multnomah County Circuit Court Case No. 15CV22066 (hereinafter the "Action").

4. Defendant David Zachariah Carman (incorrectly identified as "David Zachary Carman") was served with a copy of the Summons and Complaint in the Action on August 26, 2015. A copy of the Summons and Complaint served on defendant Carman is attached as Exhibit 1.

5. Defendant ConsumerAffairs.com, Inc. was served with a copy of the Summons and Complaint in the Action on September 9, 2015. A copy of the Summons and Complaint served on defendant ConsumerAffairs.com, Inc. is attached as Exhibit 2.

6. Defendant Consumers Unified, LLC was served with a copy of the Summons and Complaint in the Action on September 9, 2015. A copy of the Summons and Complaint served on defendant Consumers Unified, LLC is attached as Exhibit 3.

7. All defendants join in and consent to the removal of this action.

8. This Notice of Removal is filed with this Court within thirty (30) days of service of the Complaint on defendants ConsumerAffairs.com, Inc. and Consumers Unified, LLC, as required by 28 U.S.C. § 1446(b)(2)(C).

9. On information and belief, plaintiff is a citizen of the state of Oregon.

10. Defendant David Zachariah Carman is a citizen of the state of Oklahoma. Defendant ConsumerAffairs.com, Inc. is a citizen of the state of Nevada. Defendant Consumers Unified, LLC is a citizen of the states of Delaware, Virginia, Florida, New Mexico, Massachusetts, Colorado, California, Nevada, and Oklahoma.

11. Venue lies in this Court because plaintiff's action is pending in Multnomah County Circuit Court, which is within this District and Division. 28 U.S.C. § 1446(a).

12. The required jurisdictional amount of \$75,000 is met in this case. 28 U.S.C. § 1332. As shown in the Complaint, plaintiff claims damages in the amount of \$5,230,072.

13. Defendants have good and sufficient defenses to this action and do not waive any defenses, jurisdictional or otherwise, by the filing of this Notice.

14. Written notice of the filing of this Notice of Removal will be given to plaintiff, together with a copy of the Notice of Filing Notice of Removal and supporting papers with the Circuit Court of the State of Oregon for the County of Multnomah, as required by 28 U.S.C. § 1446(d).

WHEREFORE, defendants respectfully request that this action be removed from the Circuit Court of the State of Oregon for the County of Multnomah to the Portland Division of the United States District Court for the District of Oregon.

DATED this 9th day of October, 2015.

DAVIS WRIGHT TREMAINE LLP

By s/ Tim Cunningham

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